

**AGENDA
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
FEBRUARY 2, 2016 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

The Town of Edgewood Planning & Zoning Commission is pleased to have residents of the community take time to attend commission meetings. Attendance and participation is encouraged. Individuals wishing to be heard during public hearing proceedings are encouraged to be prepared. Public comments may not be disruptive or harassing, and all persons are expected to maintain respect and decorum. Accordingly, rude, slanderous, or abusive comments and/or boisterous behavior will not be permitted. Written comments are welcome and should be given to the town administrator prior to the start of the meeting.

- 1. CALL TO ORDER & ROLL CALL.**
- 2. APPROVAL OF AGENDA.**
- 3. APPROVAL OF MINUTES.**
 - A. Draft Planning & Zoning Commission Meeting Minutes of December 15, 2015
- 4. INTRODUCTION OF NEW COMMISSIONERS**
 - A. Cheryl Huppertz
 - B. Garry Bryant
- 5. PUBLIC COMMENT: (Limited to 2 minutes per person)**
- 6. REQUEST FOR ZONE CHANGE FROM R-1, RESIDENTIAL TO RS, RESIDENTIAL SERVICES**

Commission Review and Recommendation to Edgewood Town Council
for property located at:

 - 92A Church Street - Tract A - .95 acres ,and
 - 92C Church Street – Tract D - .95 Acres, and
 - 88 Church Street - Tract B - .86 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.
- 7. PUBLIC HEARING**
 - A. Request For Approval Of A Preliminary Plat For A Four (4) Lot Subdivision Of 10 Acres Located In The Mountain Meadows Subdivision, East High Meadow Loop, Unit 2, Tract C-5-R-3, Lands Of The Maguire Family Trust, S 1/2, Ne 1/4, Section 3, T 10 N 1 R 7 E, Town Of Edgewood, Santa Fe County, N.M.P.M.
 - B. Request for an Amendment to the Hillcrest Master Plan, Unit 2, T10N, R7 E, S10, NMPM, Town of Edgewood, Santa Fe County, NM to designate (MU), Mixed Use Zoning on Approximately 45.14 Acres
- 8. CALL FOR PUBLIC HEARING FOR FEBUARY 16, 2016 MEETING**
 - A. Variance Request to use a greater amount of square footage than allowed by a RS-Residential Services zoning designation for retail business activities at the property located at:
 - 92B Church Street – Tract C, 2.26 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.
- 9. ORGANIZATIONAL MEETING**
 - A. Election of Officers
- 10. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.**

11. MATTERS FROM STAFF.

12. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

- A. Meeting of March 1, 2016 to be cancelled due to Elections.

13. ADJOURN.

A copy of the agenda may be obtained at the Town Office, 1911 Historic Route 66 during regular business hours of 8:00 am - 5:00 pm. If you are an individual with a disability who is in need of a reader, amplifier, qualified sign language interpreter, or any other form of auxiliary aid or service to attend or participate in the hearing or meeting, please contact the Town Clerk at 505-286-4518 at least one week prior to the meeting or as soon as possible.

**DRAFT MINUTES
TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION MEETING
DECEMBER 15, 2015 AT 6:00 PM
EDGEWOOD COMMUNITY CENTER
27 E. FRONTAGE ROAD, EDGEWOOD, NM 87015**

1. CALL TO ORDER & ROLL CALL.

Madame Chair McGill called the meeting to order at 6:00 pm and roll call was taken. Commissioners present were: Madame Chair McGill, Vice Chair, Brad Gabel, Pat Markley, and Dan Thompson. Also present were Steve Shepherd, Town Administrator, Bonnie Pettee, Planning & Zoning Assistant, and Rebecca Sanchez, Town Secretary. Commissioner Leonard Navarre was not present.

2. APPROVAL OF AGENDA.

MOTION: Commissioner Gabel made a motion to approve the agenda. Commissioner Navarre seconded the motion.

VOTE: Commissioner Gabel voted aye. Commissioner Thompson voted aye. Commissioner Markley voted aye. Madame Chair McGill voted aye. Motion carried.

3. APPROVAL OF MINUTES.

A. Draft Planning & Zoning Commission Meeting Minutes of December 1, 2015.

MOTION: Commissioner Gabel made a motion to approve the minutes of the December 1, 2015 meeting. Commissioner Thompson seconded the motion.

VOTE: Commissioner Gabel voted aye. Commissioner Thompson voted aye. Commissioner Markley abstained due to lack of presence at the meeting. Madame Chair McGill voted aye. Motion carried.

4. PUBLIC COMMENT: (Limited to 2 minutes per person)

There were none.

5. REQUEST FOR ZONE CHANGE FROM R-1, RESIDENTIAL TO C-2, COMMERCIAL BUSINESS ZONE

Commission Review and Recommendation to Edgewood Town Council

For property located at:

- 92A Church Street - Tract A - 0.95 acres ,and
- 92C Church Street - Tract D - 0.95 Acres, and

- 88 Church Street - Tract B - 0.86 acres of the Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM.

Madame Chair McGill summarized the request and explained the duties of the Commission. She asked if the notifications had been properly posted.

Steve Shepherd confirmed that they had.

Commissioner Markley asked if it would be appropriate to recuse himself from the discussion since he is a neighbor to the subject property.

Madame Chair McGill confirmed that it would be appropriate.

Bonnie Pettee presented the Staff Report. She explained that the request was made for three parcels to be changed from R-1 Residential Zone to C-2 Commercial Business Zone for the property located at 88 Church Street; Tract B, 92A Church St; Tract A, And 92 C Church Street; Tract D, Lands of Gervais & Patricia Williams, Section 27 T10N R7E NMPM, Santa Fe County, Edgewood, NM. She stated that notification of the meeting was posted in two locations along the road frontage of the subject property and letters were mailed to the property owners within 500'. She stated that Tracts A, B, & D are vacant land and the owner has no plans for their future development. The parcel to the south of Tracts A and B is currently zoned R-S. It was previously used as a Pet Supply and Feed Store. The owner would like to open a retail type business there in the near future. It was unsure if the R-S: Residential Zoning would be appropriate for the type of business he would like to open. Ms. Pettee stated that the opinion of the staff was that the requirements of the C-2 zoning were met, that the request was consistent with the Comprehensive plan, Economic Development Strategies (Page 74/#17), it was not detrimental to the public welfare, would not impair the value of adjacent properties nor impair the integrity of the zoning district. Therefore, staff recommended approval of the zone change request.

Commissioner Gabel inquired as to the conditions met with regards to the C-2 zoning.

Ms. Pettee replied that there was no minimum lot size requirement. Mr. William's parcels are under 1 acre. The C-2 commercial zoning; Permissive Uses would include retail type businesses.

Commissioner Gabel stated he thought another type of zoning may be more appropriate.

Mr. Clay Williams, the applicant, explained that at one time the parcels were all part of one, 5 acre parcel zoned Commercial. His father split the parcel into 4 separate lots. The zoning was changed in 2009 to R-1 Residential. He would like to switch it back. He would also like to develop a business there and have the zoning to be contiguous on all of the parcels. He added that it is his desire to contribute to the community and not let this property become an eyesore to the area.

Madame Chair McGill asked for clarification on the definition of R-S: Residential Service.

Ms. Pettee replied that it would allow for retail business up to 3,000 square feet, or convenience type store or medical buildings up to 6,000 square feet.

Mr. Williams stated that when the pet store was open, they were using approximately 8,000 square feet of space. He noted that he has been paying taxes at a commercial rate since 1978.

Madame Chair McGill stated the staff report designates the property to the north as R-1: Residential. She believes it should be M-U: Mixed Use.

Steve Shepherd confirmed that the property is zoned M-U and explained that it was part of a zone map amendment earlier this year.

Commissioner Gabel expressed his concern with C-2 zoning, as it leaves an open door to a wide variety of businesses in a small area. He reiterated that he was not sure this would be the appropriate zoning.

Mr. Williams stated that he was trying to be contiguous with the size of his building. R-S zoning would restrict his usage considerably.

Madame Chair McGill stated she agreed with Commissioner Gabel on the appropriateness of the zoning. She inquired as to why the applicant was requesting C-2 zoning for Tract A, B, & D and yet the parcel containing the building (Tract C) is zoned R-S.

Ms. Pettee explained that at the time of the application there was some confusion on the zoning. The applicant has since submitted an additional application for Tract C to change it to C-2 as well.

Mr. John Bassett requested to comment. He asked the applicant if he had considered a variance to allow for greater retail square footage?

Mr. Williams replied no, but he would like to use the size of the building.

Mr. Bassett added that if he kept the R-S zoning, he would not be taxed at the higher rate.

MOTION: Commissioner Gabel made a motion to table the request for a ZC 2015-1119 Zone Change for property at 92A Church Street - Tract A - 0.95 acres, 92C Church Street – Tract D - 0.95 acres, and 88 Church Street - Tract B - 0.86 acres of the Lands Of Gervais & Patricia Williams, Section 27, T10N, R7E, NMPM, Santa Fe County, Edgewood, NM until a time determined by Mr. Shepherd and staff subject to a discussion with the applicant on how he would like to proceed. Commissioner Thompson seconded the motion.

VOTE: Commissioner Gabel voted aye. Commissioner Thompson voted aye. Madame Chair McGill voted aye. Motion carried.

6. DISCUSSION, REVIEW, PUBLIC COMMENT, AND RECOMMENDATION CONCERNING NOTIFICATION ORDINANCE AMENDMENTS

Staff Recommendation, Public Comment, Commission Discussion, and Possible Recommendation

Mr. Shepherd explained that it was staff's desire to streamline the noticing requirements across ordinances to make them reasonable to attain and consistent as possible, while still being effective. He proposed vacating the current ordinance and creating a new one with a new more appropriate title. He added that he will need to add the requirements to the Annexation Ordinance, as well. Mr. Shepherd spoke about the definition of "block" and gave the example of "A block is defined by the Town of Edgewood as any are bounded on all four sides by public streets, and does not exceed 2 acres." He asked the Commissioners to recommend a definition to use.

Madame Chair McGill asked why the word block needed to be included.

Mr. Shepherd replied that it is in the state Statute, so we have to include it. He added that the staff is concerned mostly with the requirement for certified mail, due to the expense and the possibility of the addressee not picking them up.

7. MATTERS FROM THE CHAIR AND COMMISSION MEMBERS.

Commissioner Gabel stated that this would be his last meeting. He has appreciated the opportunity to serve the Community. He expressed his thanks to the Council and Mayor for their trust.

Madame Chair McGill expressed her appreciation for Commissioner Gabel; for his knowledge and guidance throughout the years.

8. MATTERS FROM STAFF.

Mr. Shepherd also expressed his appreciation to Mr. Gabel for his service.

9. CALENDAR UPDATE AND FUTURE AGENDA ITEMS.

A. Commission Recommendation to Change Notification Requirements Across Ordinances 01/05/16

B. Present Initial Staff Recommended Language Changes to Appeal Requirements Across Ordinances 01/05/16

- C. Public Hearing: Major Subdivision 01/19/15
- D. Public Hearing: Amendment to Master Plan 01/19/16

10. ADJOURN.

MOTION: Commissioner Gabel made a motion to adjourn the meeting of December 19, 2015. *Commissioner Markley seconded the motion.*

VOTE: Commissioner Gabel voted aye. Commissioner Thompson voted aye. Commissioner Markley voted aye. Madame Chair McGill voted aye. Motion carried.

Madame Chair McGill adjourn the meeting at 6:47 pm.

Kay Davis, Chairperson

ATTEST:

Leonard Navarre, Secretary

**TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION
STAFF REPORT
EXHIBIT A**

SUBJECT : ZC 2015-1119: Zone Change
APPLICANT: Mr. Clay Williams

REQUESTED ACTION:

The applicant is seeking a Zone Change from R-1 Residential zoning to R-S Residential and Services for three lots located at 88 East Church, 92A East Church, and 92C East Church.

APPLICATION EXHIBITS:

- A) Staff Report
- B) Letter Requesting Original Application be Withdrawn
- C) Application for Zone Change and Checklist
- D) Plat: Lands of Gervias & Patricia Williams
- E) Warranty Deed: Recorded March 28, 1974
- F) New Mexico Power of Attorney Documents
- G) Owner Letter of Request
- H) Zone Atlas Map

APPLICABLE REGULATIONS

Zoning Ordinance 2014-02, as amended 08/05/15

Section 12. R-1 Conventional 1-Acre Residential Zone
Section 19. R-S Residential and Services Zone
Section 40. Amendments

LOCATION

Subject property is located at:

88 Church Street: TR B Plat 334/039, T 10N, R7 E, S27, 0.95 AC
92A Church Street: TR A Plat 334/039, T 10N, R 7E, S27, 0.95 AC
92C Church Street: TR D Plat 334/039, T 10N, R 7E, S27, 0.86 AC

Lands of Gervais G. & Patricia J. Williams, W ½, NE ¼, NE ¼, NE ¼, Section 27, Township 10 North, Range 7 East, NMPM, Santa Fe County, Edgewood, NM.

NOTIFICATION

Notification of meeting was posted in two locations on the lots bordering Church Street on December 30, 2015 and 15 notification letters were sent to property owners within the 500 foot via US Mail.

BACKGROUND

The applicant submitted a request for a Zone Change for three lots from R-1 Residential to C-2 Commercial Business on November 19, 2015. The Planning & Zoning Commission reviewed the request at their meeting on December 6, 2015, and was concerned that C-2 Commercial Zoning may not be appropriate for this area of Edgewood. The matter was tabled to allow the applicant time to reconsider his options. The applicant withdrew his application for C-2 Commercial Zoning, and resubmitted a request to change the zoning for the three parcels from R-1 Residential to R-S Residential and Services.

The adjacent property to the north is zoned Mixed Use, and to the west are zoned R-1 Residential. The properties to the east are zoned R-3 Residential/Institutional and R-1 Residential. The property to the south of Tract D is listed as commercial property, and is owned by Santa Fe County and is partially occupied by the Edgewood Senior Citizen Center.

Tract C, 92B Church Street, containing 2.26 acres and an existing commercial structure, is currently zoned R-S Residential and Services. The property is located to the south of lots Tract A and B and north and west of Tract D. The owner intends to reopen a commercial enterprise on the property.

The request to change to zoning on the subject parcels would make it consistent with the zoning on Tract C.

PROJECT DESCRIPTION

Tracts A, B, and D are vacant land, and per the applicant, there are no plans for future development on these tracts. Tracts A & B front Church Street, while Tract D has access only through an easement as reserved on the Warranty Deed.

Tract C is currently zoned R-S Residential and Services, and has a commercial building that was previously used for commercial purposes (Feed Store and Pet Supply Distribution). The tract is 2.26 acres, and is located in between Tracts A & B and Tract D. The applicant proposes to open an Antiques/Second Hand Items retail venture in the building. This use may not be consistent with R-S Residential and Services zoning due to a square footage requirement of R-S zoning. However, the applicant intends on seeking a variance to allow for a larger amount of square footage to use for his business in a future application.

STAFF ANALYSIS

1. Staff performed a review of the application, submitted materials, and applicable ordinances.
2. The request is consistent with the **Intent** of the R -S Residential and Services Zoning classification; “to provide for orderly and compatible development in transitional area between residential and non-residential districts and to establish and preserve areas for those commercial facilities which are especially useful in close proximity to residential areas.
3. R-S Residential and Services zoning would allow the applicant to develop small neighborhood type business establishments in the future, if desired.
4. It is the opinion of staff that this request is:
 - a. Consistent with the Comprehensive Land Use Plan Goals for Economic Development; Objective 2: (page 58) “Establish or support a local organization and process for targeting and recruiting new businesses and industries to locate in the Edgewood community.”
 - b. Is not detrimental to the general public welfare; and
 - c. Will not impair the value of adjacent properties, not impair the integrity and character of the zoning district.

STAFF RECOMMENDATION

It is the recommendation of staff that the request for zone change from R-1 Residential to R-S Residential and Services for the subject properties be approved.

Future development of lots will be required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire And Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01, as amended 11/04/10
- Landscaping Ordinance 2000-25
- Sign Ordinance 2009-02
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended 8/05/15

Untitled

Town of Edgewood

30 Dec. 2015

At this time I would like to withdraw my request for a zone change on the property located a 92 B Church St. Edgewood NM. Tract C.

Clay Williams
P.O. Box 244
Edgewood NM 87014
505-440-8119

 Date 30 Dec 2015

Town of Edgewood

APPLICATION FOR ZONE CHANGE

SHADED AREA FOR STAFF USE ONLY

RECEIVED BY: _____ DATE RECEIVED: 1.5.2016 CASE NO. 2016 ZC001
APPROVED BY: _____ APPROVED DATE: _____ ZONING: RS

NAME OF APPLICANT: CLAY WILLIAMS

APPLICANT ADDRESS: P.O. Box 244 Edgewood Nm 87015
Street City State Zip

APPLICANT PHONE: HOME: 505-440-8119 BUSINESS: _____
FAX: _____ FAX: _____

ADDRESS OF PROPERTY FOR WHICH REZONING IS REQUESTED:
88 E. Church St - 92 A E. Church St - 92 C E. Church St.

PRESENT ZONING OF PROPERTY: RESIDENTIAL REQUESTED ZONING OF PROPERTY: RS

OWNER OF ABOVE DESCRIBED PROPERTY:
GERNAIS AND PATRICIA WILLIAMS

OWNER ADDRESS: 8 Lacy Edgewood N.M. 87015
Street City State Zip

OWNER PHONE: HOME: 505-440-8119 BUSINESS: _____
FAX: _____ FAX: _____

PRESENT USE OF PROPERTY: Vacant Land

FEE: _____



NOTICE AND DISCLAIMER

The staff acts in an advisory position only and will provide you with the recommendations, whether positive or negative, that will be forwarded to the Planning Commission.

If you take any action, make any financial commitments or expenditures based on staff, Planning Commission, or Town Council member statements before final action is taken on your application, you are doing so at your own risk.

The Town of Edgewood, its elected and appointed officials, agents, attorneys, and employees, will not in any way be responsible or liable for any losses of any kind whatsoever by you in the event that your application is not granted.

Your signature(s) on this document verifies (verify) that you have read and completely understand this document.

Applicant: Clay Williams Date: 30 Dec, 2015

(Signature)
Type or Print Applicant Name: Clay Williams

Owner: _____ Date: _____
(Signature)

Type or Print Owner Name: _____

CASE No.: _____

COMMUNITY DEVELOPMENT

ZONE CHANGE CHECKLIST

APPLICATION FOR ZONE CHANGE SHALL BE ACCOMPANIED BY THE FOLLOWING:

- ☒ P.O.A.
- ☒ COPY OF GENERAL WARRANTY DEED FOR THE PROPERTY OR PROPERTIES FOR WHICH APPLICATION IS MADE.
- ☒ CERTIFIED BOUNDARY SURVEY FOR WHICH APPLICATION IS MADE.
- ☐ SITE PLAN SHOWING LOCATION OF ALL EXISTING AND PROPOSED BUILDINGS, OTHER CONSTRUCTIONAL FEATURES, AND LANDSCAPING -- DRAWN TO SCALE WITH ALL DIMENSIONS AND THE LOCATION OF THE ZONE CHANGE IDENTIFIED.
- ☐ ARCHITECTURAL ELEVATIONS FOR ANY PROPOSED BUILDINGS ON THE SUBJECT PROPERTY.
- ☐ COMMERCIAL REZONING: A WRITTEN DESCRIPTION OF PROPOSED OPERATION IN SUFFICIENT DETAIL TO INCLUDE HOURS OF OPERATION; NUMBER OF EMPLOYEES; TYPE OF MACHINERY; PLANS FOR OUTDOOR STORAGE; EFFECTS OF OPERATION IN PRODUCING AIR AND WATER POLLUTION, ODOR, NOISE, GLARE, FIRE OR OTHER FIRE SAFETY HAZARDS, AND TRAFFIC CONGESTION.
- ☒ RESIDENTIAL REZONING: A WRITTEN DESCRIPTION OF THE PROPOSED USE OF PROPERTY INCLUDING NUMBER AND SIZE OF PROPOSED UNITS; NUMBER OF OFF-STREET PARKING SPACES; OPEN SPACE, RECREATIONAL FACILITIES; LANDSCAPE PLANS, AND REASONS FOR THE REZONING REQUEST.
- ☐ OTHER INFORMATION OR STUDY NEEDED: _____

STAFF COMMENTS

APPLICANT'S REQUEST:	1) _____
2) _____	3) _____
4) _____	5) _____

APPLICATION COMPLETE, NOTIFIED APPLICANT ON: _____
--

APPLICATION INCOMPLETE, CONTACTED APPLICANT ON: _____

REQUESTED THE FOLLOWING:	1) _____
	2) _____
	3) _____
	4) _____
	5) _____

COMMENTS: _____

SURVEY GENERAL NOTES	
○	FOUND 1/2" REBAR.
●	FOUND 3/8" REBAR.
○	SET 3/8" REBAR AND YELLOW I.D. CAP (PROPERTY CO)
□	SET 3/8" REBAR AND YELLOW I.D. CAP (WITNESS CO)
■	FOUND 3/8" REBAR AND YELLOW I.D. CAP (WITNESS CO)
—	VIRE FENCE
—	OVERHEAD POWERLINE

1. BEARINGS SHOWN ARE BASED ON THE NORTH LINE OF LANDS OF THE EAST ONE-HALF, SECTION ONE, TOWNSHIP ONE (NW 1/4) OF SECTION TWENTY-ONE (NW 1/4) ARROWS, QUARTER ONE (1/4) OF SECTION 27, T. 10 N. R. 7 E. N49W, RECORDED ON 8 FEBRUARY, 1965 IN ADD. 149, PAGE 009.
2. THE BASIS OF THIS SURVEY IS AN UNRECORDED PLAT OF CONVEYED CERTAIN SUBDIVISION, PREPARED BY V. A. THOMAS, L.T. #188, IN MAY 1958, NOTED 1959, JANUARY 1961, AND NOVEMBER 1961.
3. THE PURPOSE OF THIS PLAT IS TO DIVIDE THE LANDS AS SHOWN HEREON.

SANTA FE COUNTY APPROVAL
NOTES AND CONDITIONS

APPROVALS:
Debra G. Givens
COUNTY LAND USE ADMINISTRATOR

45-1130
COUNTY DEVELOPMENT PERMIT NO. 5-8-96
DATE

- [illegible]

COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss

I HEREBY CERTIFY THAT THIS INSTRUMENT
FILED FOR RECORD ON THE DAY OF
JANUARY 1980 AT 2:22 O'CLOCK
P.M. AND WAS RECORDED IN BOOK
168 PAGE 176.
AT PAGE 176 OF THE RECORDS OF
SANTA FE COUNTY.

-d- Sfr

WITNESS MY HAND AND SEAL OF OFFICE
JEDNA C. ARMITAGE

COUNTY CLERK OF SANTA FE COUNTY,
NEW MEXICO

DEPUTY
P. R. BIDEN SURVEYING INC.

LAND SURVEYING AND PLANNING
CENTRAL & CONCRETE P. O. BOX 978
HONOLULU, HAWAII 96813

DATE	7/19/68	TIME	0830
LOCATION	CAMP BERRYMAN, AS ST.		
REMARKS	FWD 944-424 - COM-SECURITY		

DATE	1/1/78	BY	W. J. B. J.
TIME	10:00 AM	TO	11:00 AM
LOCATION	1000 10th St. N. W. Wash. D. C.		
REMARKS	1. 1000 10th St. N. W. Wash. D. C.		
DATE	1/1/78	BY	W. J. B. J.
TIME	10:00 AM	TO	11:00 AM
LOCATION	1000 10th St. N. W. Wash. D. C.		
REMARKS	1. 1000 10th St. N. W. Wash. D. C.		

STUDY 1	NO	1	1
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WARRANTY DEED (Joint Tenants)

364755

ALVIN B. RICHARDS and EDITH MAE RICHARDS, his wife,

to GERVAIS G. WILLIAMS, for consideration paid, grant
 and PATRICIA J. WILLIAMS, his wife,
 as joint tenants the following described real estate in Santa Fe County, New Mexico:

W $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$, and E $\frac{1}{2}$ of W $\frac{1}{2}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$ of NE $\frac{1}{4}$
 all in Section 27, Township 10 N., Range 7 E, N.M.P.M., and
 Containing five Acres, more or less.

(1) Mineral rights provision: Oil and mineral rights, if any, on
 subject premises, are granted to the Grantees herein.

(2) Reservations:

(A) Original Grantors, (Ray Bassett and Evelyn Bassett), herein
 reserve a 20 ft. easement along the West side, East side and North
 side, on subject premises for the purpose of road, and as designated
 on official map.

(B) Original Grantors, (Ray Bassett and Evelyn Bassett), herein
 reserve a 20 ft. easement (Location Grantors option) for the purpose
 of installing water pipe line, if and when Grantor so desires.

(C) Easements, Restrictions, and U. S. Patent Reservations of record.

(3) Restrictions: The following restrictions herein applicable shall
 run with the land.

(A) Any dwelling erected on this property conveyed, must contain
 a minimum of 800 square feet of floor space, and must be finished on
 the outside.

(B) If and when water is available for use herein, Grantees, their
 successors in interest, must install adequate plumbing facilities
 therefor.

(C) Property conveyed cannot be used for a junk yard, or any use
 that would constitute a nuisance to adjoining property. What constitutes
 a nuisance is to be determined by original grantors (Ray Bassett and
 Evelyn Bassett), or their heirs.

Subject to taxes for the year 1974 and subsequent years.

with warranty covenants.

WITNESS our hand S and seal S this 28th day of March, 1974.

(Seal) Alvin B. Richards (Seal)

(Seal) Edith Mae Richards (Seal)

ACKNOWLEDGMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO
 COUNTY OF BERNALILLO

ss.

The foregoing instrument was acknowledged before me this 28th day of March, 1974,
 by Alvin B. Richards and Edith Mae Richards, his wife
 (Name or Names of Person or Persons Acknowledging)

My commission expires: Sept. 18, 1977

(Seal)

Louis B. Ogden
 Notary Public

421904

ACKNOWLEDGMENT FOR CORPORATION

New Mexico Statutory Power of Attorney

NOTICE: THIS IS AN IMPORTANT DOCUMENT. THE POWERS GRANTED BY THIS DOCUMENT ARE BROAD AND SWEEPING. THEY ARE EXPLAINED IN THE UNIFORM STATUTORY FORM POWER OF ATTORNEY ACT, CHAPTER 45, ARTICLE 5, PART 6 NMSA 1978. IF YOU HAVE ANY QUESTIONS ABOUT THESE POWERS, YOU SHOULD ASK A LAWYER TO EXPLAIN THEM TO YOU. THIS FORM DOES NOT PROHIBIT THE USE OF ANY OTHER FORM. YOU MAY REVOKE THIS POWER OF ATTORNEY IF YOU LATER WISH TO DO SO.

I, Gervais G. Williams (Name) reside at
P.O. Box 244 Edgewood Edgewood, (Address) New Mexico. 87015
I appoint Clay & Bruce Williams PO Box 244 Edgewood N.M. 87015 4504 Palmyra
(Name(s) and address(es)) to serve as my attorney(s)-in-fact. Alb. Nm 87114

If any attorney-in-fact appointed above is unable to serve, then I appoint
Clay & Bruce Williams gge to serve as successor attorney-in-fact in place
of the person who is unable to serve.

This power of attorney shall not be affected by my incapacity but will terminate upon my death unless I have revoked it prior to my death. I intend by this power of attorney to avoid a court-supervised guardianship or conservatorship.

~~Should my attempt be defeated, I ask that my agent be appointed as guardian or conservator of my person or estate.~~

STRIKE THROUGH THE SENTENCE ABOVE IF YOU DO NOT WANT TO
NOMINATE YOUR AGENT AS YOUR GUARDIAN OR CONSERVATOR.

CHECK AND INITIAL THE FOLLOWING PARAGRAPH ONLY IF YOU WANT
YOUR ATTORNEY(S)-IN-FACT TO BE ABLE TO ACT ALONE AND INDEPENDENTLY
OF EACH OTHER. IF YOU DO NOT CHECK AND INITIAL THE FOLLOWING
PARAGRAPH AND MORE THAN ONE PERSON IS NAMED TO ACT ON YOUR BEHALF
THEN THEY MUST ACT JOINTLY.

() _____ If more than one person is appointed to serve as my attorney-in-fact then they
may act severally, alone and independently of each other.

My attorney(s)-in-fact shall have the power to act in my name, place and stead in any
way which I myself could do with respect to the following matters to the extent permitted by
law:

INITIAL IN THE BOX IN FRONT OF EACH AUTHORIZATION WHICH YOU
DESIRE TO GIVE TO YOUR ATTORNEY(S)-IN-FACT. YOUR ATTORNEY(S)-IN-FACT
SHALL BE AUTHORIZED TO ENGAGE ONLY IN THOSE ACTIVITIES WHICH ARE
INITIALED.

INITIAL

- () 1. real estate transactions.
- () 2. stock and bond transactions.

- ☐ 3. commodity and option transactions.
☐ 4. tangible personal property transactions.
☐ 5. banking and other financial institution transactions.
☐ 6. business operating transactions.
☐ 7. insurance and annuity transactions.
☐ 8. estate, trust and other beneficiary transactions.
☐ 9. claims and litigation.
☐ 10. personal and family maintenance.
☐ 11. benefits from Social Security, Medicare, Medicaid or other government programs or civil or military service.
☐ 12. retirement plan transactions.
☐ 13. tax matters, including any transactions with the Internal Revenue Service.
☐ 14. decisions regarding lifesaving and life prolonging medical treatment.
☐ 15. decisions relating to medical treatment, surgical treatment, nursing care, medication, hospitalization, institutionalization in a nursing home or other facility and home health care.
☐ 16. transfer of property or income as a gift to the principal's spouse for the purpose of qualifying the principal for governmental medical assistance.
☒ 17. ALL OF THE ABOVE POWERS, INCLUDING FINANCIAL AND HEALTH CARE DECISIONS. IF YOU INITIAL THE BOX IN FRONT OF LINE 17, YOU NEED NOT INITIAL ANY OTHER LINES.

SPECIAL INSTRUCTIONS: ON THE FOLLOWING LINES YOU MAY GIVE SPECIAL INSTRUCTIONS LIMITING OR EXTENDING THE POWERS YOU HAVE GRANTED TO YOUR AGENT.

CHECK AND INITIAL THE FOLLOWING PARAGRAPH IF YOU INTEND FOR THIS POWER OF ATTORNEY TO BECOME EFFECTIVE ONLY IF YOU BECOME INCAPACITATED. YOUR FAILURE TO DO SO WILL MEAN THAT YOUR ATTORNEY(S)-IN-FACT ARE EMPOWERED TO ACT ON YOUR BEHALF FROM THE TIME YOU SIGN THIS DOCUMENT UNTIL YOUR DEATH UNLESS YOU REVOKE THE POWER BEFORE YOUR DEATH.

() _____ This power of attorney shall become effective only if I become incapacitated. My attorney(s)-in-fact shall be entitled to rely on notarized statements from two qualified health care professionals, one of whom shall be a physician, as to my incapacity. By incapacity I mean that

among other things, I am unable to effectively manage my personal care, property or financial affairs.

This power of attorney will not be affected by lapse of time. I agree that any third party who receives a copy of this power of attorney may act under it.

Gervais G. Williams
(Signature)

(Optional, but preferred: Your social security number)

Dated: June 1st, 2013

ACKNOWLEDGEMENT

NOTICE: IF THIS POWER OF ATTORNEY AFFECTS REAL ESTATE, IT MUST BE RECORDED IN THE OFFICE OF THE COUNTY CLERK IN EACH COUNTY WHERE THE REAL ESTATE IS LOCATED.

STATE OF NEW MEXICO)

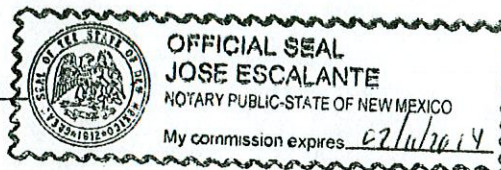
COUNTY OF Santa Fe) ss.

The foregoing instrument was acknowledged before me on June 01st, 2013, by Gervais G. Williams

[Signature]
Notary Public

My Commission Expires: 02/11/2014

(seal)



APPLICATION FOR ZONE CHANGE WITH TOWN OF EDGEWOOD

30 Dec. 2015

Property location: 88 E Church St. - 92 A E. Church St. - 92 C E. Church St.

Request to change the zoning on above property to RS

The above property is vacant land and undeveloped at this time. We have no plans to develop in the near future.

We are requesting the zone change so that these 3 lots will be zoned the same as lot 92 B, which they all share a common property line.

The only structure we would like to construct in the near future is a sign on the N.E. corner of lot 92 A to direct traffic to the retail property located behind. The sign would be subject to the approval process of the town of Edgewood.

Thank You

Clay Williams

CHURCH ROAD

3-R

U

4R2

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39B

39C

39D

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NE 1/4

NE 1/4

NE 1/4

E 1/2

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Estefanie Muller

From: Cheryl Huppertz <cahuppe@gmail.com>
Sent: Friday, January 15, 2016 2:46 PM
To: Estefanie Muller
Subject: FW: Bio for Cheryl Huppertz

From: Cheryl Huppertz [<mailto:cahuppe@gmail.com>]
Sent: Friday, January 15, 2016 12:56 PM
To: 'mayor@edgewood-nm.gov'
Subject: Bio for Cheryl Huppertz

Mr. Brad Hill,

I've been a lifetime resident of Edgewood, NM, and I'd like the opportunity to serve on the Planning & Zoning Committee. I've experience the creating of a small land division and all the rules applied to that experience. I currently am employed at Sandia National Laboratories.

Thank you for your consideration.

Cheryl (Bassett) Huppertz

I would like to be considered for a position on the Edgewood Zoning and Planning Committee.

Garry Bryant was born in Albuquerque, NM in 1955. His parents, Louie and Gertrude, bought property in Edgewood in the early 60's and over the next few years Garry and his family built a house there. Garry graduated from Highland High School in 1973, attended DeVry University in Dallas, and worked installing electronic equipment in hospitals across the country for 5 years before returning to Edgewood in 1980. He became Deputy Sheriff for Santa Fe County and then went to work at Sandia National Laboratories (SNL) on the Protective Force SWAT team. He married Karen in 1981, built two homes, and raised two girls in Edgewood. In 1998 he transferred from the Protective Force at SNL into Material Science and he will retire in March 2016.

**TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION
STAFF REPORT**

SUBJECT : ITEM 2016-SUB 001
APPLICANT/AGENT : Tim Oden

REQUESTED ACTION

The applicant is seeking approval of a preliminary plat for a four (4) lot subdivision of 10 acres located in the Mountain Meadows Subdivision, East High Meadow Loop, Unit 2, Tract C-5-R-3, Lands of the Maguire Family Trust, S ½, NE ¼, Section 3, T 10N, R 7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico

APPLICATION EXHIBITS

- A) Staff Report
- B) Application
- C) Checklist
- D) Preliminary Plat for a Four (4) Lot Subdivision
- E) Applicant Letter Including Narrative and Waiver of Requirements Request
- F) Agent Authorizations from Trustees
- G) Warranty Deed Recorded April 26, 2000
- H) Water Service Letter
- I) Sewer Service Letter
- J) Zone Map

APPLICABLE REGULATIONS

Subdivision Ordinance 2014-03 (As Amended 02/04/15)
Zoning Ordinance 2014-02 (As Amended 08/05/15)

NOTIFICATION

Public Hearing notification was printed in the Independent on January 13, 2016. The property owners within 500 feet were notified by mail. Notice signs were posted on the property, and Public Hearing Notices were posted at the six (6) Town of Edgewood public posting locations, on January 15, 2016.

LOCATION

Subject property is located in the Mountain Meadows Subdivision, on East High Meadow Loop, Unit 2, Tract C-5-R-3, of the Lands of the Maguire Family Trust, S ½, NE ¼, Section 3, T 10N, R 7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico

BACKGROUND

Mountain Meadows Subdivision was approved by the Town of Edgewood in 2006. The subject ten (10) acre parcel is owned by the Maguire Family Trust. It is their desire to divide the parcel into four (4) 2.5 acre lots. This is consistent with the other lots in the subdivision. All of the roads, grading and drainage, and utilities for the subdivision were installed when the subdivision was initially approved and developed. Therefore, development of infrastructure for the subject property division is not applicable to this request. The applicant/agent has requested the following requirements of the preliminary plat be waived accordingly:

- A) Benchmark Location (5.c)
- B) Utilities on and Adjacent to the Site (5,f.3)
- C) Existing Storm Drainage Facilities (5,f.4)
- D) Conditions on Adjacent Land (5.f.6)
- E) Ground Elevations (5,f.8.d.1-4)
- F) Estimated Schedule of Lot Development (5, f.8.h.)

PROJECT DESCRIPTION

The subject property is within an existing subdivision, which is designated as R-1 Residential. This includes existing lots within the subdivision to the north, south, and west. Property to the east is zoned AG Agricultural. All lots within the subdivision have underground utilities located within the easements shown on the plat.

STAFF ANALYSIS

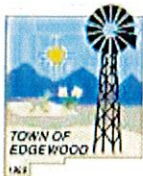
- A) Staff performed a review of the Plat and found it to be in compliance with Subdivision Ordinance 2014-03, as amended 02/04/15 and the Checklist for a Preliminary Subdivision Plat. This review is subject to approval of the waiver request of specific requirements by the Applicant.
- B) Granting the waiver for requested requirements will not harm or impair the intent of the Subdivision Ordinance.
- C) It is the staff's opinion that future development on these properties is with the surrounding properties and will not be detrimental to the public welfare or cause a negative impact to surrounding properties.

STAFF RECOMMENDATION

It's is the staff's opinion that the Preliminary plat for Mountain Meadows Subdivision, Unit 2, is in compliance with the requirements of the Subdivision Ordinance 2014-03, as amended 02/04/15, with approval of the requested waiver of requirements. Therefore, staff recommends approval by the Planning and Zoning Commission.

Future development of the four (4) lots may be required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire and Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01, as amended 11/04/10
- Landscaping Ordinance 2000-25
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended February 4, 2015



Town of Edgewood
Community Planning & Development
P.O. Box 3610
Edgewood, NM 87015
(505) 286-4519 ext. 3 Fax: 286-4519

SUBDIVISION AND PLATTING APPLICATION

For Municipal Use Only: File No. 2016-Sub 001
Date of Receipt: 1.4.16
Planning Commission Meeting Date: 2.2.16

The undersigned hereby applies for approval under the Town of Edgewood Subdivision Ordinance, for the Plan, submitted herewith and described below:

Application Classification:

☐ Sketch Plat/Pre-Application
☐ Minor Subdivision Plat \$250.00 + 10.00 per resulting lot (limit three)
☒ Preliminary Plat \$50.00 per resulting lot
☐ Final Plat \$250.00 + 10.00 per resulting lot
☐ Vacation of Plat
☐ Lot line vacation/replat \$50.00
☐ Right-of-way vacation \$100.00

Applicant: Dugan, Martell, et. al. Telephone: _____
Address: 26104 Alizia Canyon DR., Unit B, Calabasas, Ca 91302
Street Address City State Zip Code
Agent: Eden & Associates, Inc. Telephone: 832-1424
Address: 200 Old Route 66 East, PO Box 1976, Moriarty, NM 87055
Street Address City State Zip Code

Legal Description: TR C-5-R-3 Lands of Maguire Trst, Section 3, T10N 127E
Existing Subdivision N/A
Project Address High Meadow Loop
Address: _____

Number of Lots Created 4 Total Acreage: 10 ac.
Current Zoning: RC-1

IMPORTANT - PLEASE READ AND REVIEW

- ☒ Check if there are any easements on the property and show them on all concept and preliminary plats.
☐ Check if there are any drainage or stormwater facilities on the property and show them on all concept and preliminary plats.
☐ Check if there are any encroachments on current or proposed easements and show them on all concept and preliminary plats.
☐ Check if there are any public or private utilities on the property and show them on all concept and preliminary plats.

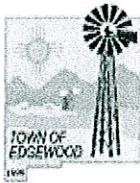
In applying for and signing this application, the property owner hereby grants permission to Municipal staff to access the property before and after the Planning Commission's; review for the purposes of inspecting the proposed and/or approved parcels. Notarized Agent Authorizations are required as part of the application documents in the event an Agent is assigned.

Applicant's Signature: _____ Date: _____

Agent's Signature: [Signature] Date: 1/4/16
(If different from applicant)

Fee Paid: \$200 Date: 1.4.16

Receipt: _____ Initials: bx



CHECKLIST FOR PRELIMINARY SUBDIVISION PLAT

The preliminary plat shall contain the following information:

- ☒ Name of proposed subdivision, name and address of subdivider, agent, and principal persons preparing the preliminary plat.
- ☒ Scale and north arrow.
- W ☐ Proposed benchmark locations, proposed method of tie to permanent survey monuments, and proposed location and type of subdivision control monuments. Descriptions of all monuments found or set.
- ☒ Plat boundary lines: bearing in degrees, minutes, and seconds, with basis for bearings noted or shown. Distances in feet and hundredths.
- ☒ The location of all present property lines, projected section lines, streets, buildings, watercourses, and other existing features within the area to be subdivided and similar information (except buildings and property lines) regarding land immediately adjacent thereto.

Existing & proposed conditions of the site and its environs including the following:

- ☒ Present site designation or subdivision name.
- ☒ Easements on site: location, width, and purpose.
- W ☐ Utilities on and adjacent to the site: location and, if applicable, size of water wells, water lines, sanitary sewers, gas lines, fire hydrants, cable, electric and telephone lines.
- W ☐ Existing storm drainage facilities on and adjacent to the site.
- ☐ NA Other significant conditions on the site: structures, trees, etc.
- ☐ NA Conditions on adjacent land significantly affecting design of the subdivision: approximate direction and gradients of ground slope; character and location of development.
- ☒ Zoning on and adjacent to the site, including all applicable setback lines.
- ☒ Locations of planned water wells, reservoirs, and pump stations; locations, dimensions and purpose of all easements, public or private; rights-of-way for public services or utilities, and any limitations thereof;
- ☒ Number or letter to identify each proposed lot and block;
- ☐ NA Storm drainage management; For the purpose of minimizing or eliminating damage resulting from storm water runoff, the subdivider shall be required to furnish a plan for storm drainage management if the subdivision lies within a designated flood hazard area. Preparation of the drainage plan shall be done by a registered professional engineer and shall conform to the Town of Edgewood drainage ordinance and regulations, procedures, and standards as may be prescribed by state or federal laws.
- ☒ A letter of water commitment from the water company and/or sewer availability from the Town of Edgewood
- W ☐ Ground elevation on the site based on mean sea level datum as established by the U.S. Coast and Geodetic Survey:

1. For land that slopes less than 1%, contour lines at intervals of not more than one foot;
2. For land that slopes between 1% to 5%, contour lines at intervals of not more than two feet; and
3. For land that slopes more than 5%, contour lines at intervals of not more than five feet.
4. Other significant conditions on the site; major rock outcrops, trees, structures, and the like.

☒ Zoning on and adjacent to the site; and

☒ Total area of the proposed plat to the nearest one-tenth acre.

☒ The title under which the proposed subdivision is to be recorded and the name of the land planner, engineer, registered land surveyor, the subdivider and the owner of the tract, with the address to which any notice is to be sent.

☐ The subdivider shall provide an estimated schedule of lot development. In particular, the schedule shall indicate when street paving, water service and sewer service will be provided.



January 4, 2016

Town of Edgewood
Ms. Bonnie Peete
Planning & Development Manager
P.O. Box 3610
Edgewood, New Mexico 87015

RE: Submittal of Preliminary Subdivision Application and Request for Waiver of certain submittals for Preliminary Plat Subdivision approval of a 10 acre tract located in Section 3, T10N, R7E, N.M.P.M. Mountain Meadows Subdivision Unit Two.

Dear Ms. Peete:

Enclosed please find 8 sets of copies of the preliminary Plat of Mountain Meadows Subdivision, Unit Two. The property is located on High Meadow Loop East and High Meadow Loop East, approximately 4 miles north of Edgewood on NM 344, Then 1 mile east on High Meadow Loop. Mountain Meadows Subdivision was approved by the Town of Edgewood in 2006. All of the roads and utilities were put in place for these 4 lots at that time. Therefore, no development of roads, drainage, or utilities are proposed for Mountain Meadows Unit Two.

Certain sections of the Preliminary Plat submittal requirements have not been submitted. Request is hereby made to waive certain portions of the Submittal Requirements of the Town of Edgewood Subdivision Ordinance, as suggested by **Section 5, Preliminary Plat Requirements**. The requested sections that have not been submitted, and the justification for the request are as follows:

5.c, "Proposed Benchmark Locations...":

There are no proposed benchmark locations. All earthwork and Grading and Drainage facilities were installed during the construction of Mountain Meadows Subdivision in 2006.

5.f.3, "Utilities On and adjacent to the Site..."

All utilities are currently installed underground on the site within the easements shown on the preliminary plat. The location, availability, and connection fees are detailed in the Disclosure Statement.

5.f.4, "Existing Storm Drainage Facilities..."

There are no existing or proposed Storm Drainage Facilities.

5.f.6, "Conditions on adjacent land..."

There are no significant existing conditions on the adjacent lands which would negatively affect the layout and design of these 4 lots. The ground slopes southeast at less than 5%, there is minimal ground cover (native pasture), and the proposed character and location of development is consistent with current zoning regulations and surrounding development.

5.f.8.d.1-4, "Ground Elevations..."

The proposed subdivision is fully developed, contains slopes of 1%-5%, and is best described as native pasture. The proposed subdivision contains no rock outcrops, trees, structures, or other significant conditions which would limit the full development of these 4 Lots.

5.f.8.h, "Estimated Schedule of Lot Development..."

The roadway that provides access to the 4 proposed Lots is currently fully constructed and in place. Water Service is currently available to all 4 Lots. Sewer Service is not currently available.

The Planning and Zoning Commission may waive any requirement for submittals according to **Section 13, Waivers, Variances, and Modifications:**

".....the Planning and Zoning Board or Town governing body may waive, vary, or modify those requirements to allow the Subdivider to develop the property in a reasonable manner, provided that the public welfare and interests are preserved....."

Since these 4 lots are currently fully developed, and surrounded by similar, fully developed lots on three sides, request is hereby made to waive those portions of the required submittals regarding the submittal of infrastructure plans under "**Preliminary Plat Requirements**" as noted above.

JUSTIFICATION FOR REQUEST

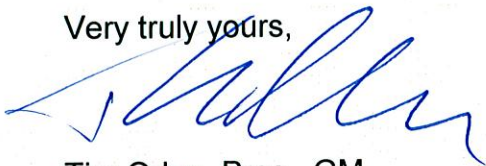
For this particular property, granting a waiver of the above submittals is justified due to these reasons:

- There are no unusual topographic, soils, or drainage issues that would negatively affect any adjacent property;
- The proposed 4 lots currently have approved graveled road access from NM 344;
- Domestic water service and dry utilities are currently available to each lot;
- Since the road and infrastructure development of these 4 Lots in 2006, there has been no negative impact on the public welfare.

Granting this request for waiver of submittal of the items above will not jeopardize the public welfare or public interest, nor will it harm the public good or impair the intent and purpose of the Town Subdivision Ordinance. Granting this request will have no adverse effect on the desirable development of the community in accordance with the Plans and Policies of the Planning and Zoning Commission.

Granting a waiver of the above submittals for preliminary and final plat approval will allow the owners of these 4 Lots to comply with the requirements of the Town's Subdivision and Zoning Ordinances in a unified and harmonious manner which will preserve the public welfare and interests.

Very truly yours,



Tim Oden, Pres., GM
Oden & Associates, Inc.

Authorization to Act as Agent

We, Brian DeWitt and Colleen Martell, hereby authorize Oden & Associates, Inc., it's principals and staff, to act on our behalf in any and all matters relating to the Subdivision of Mountain Meadows Unit 2, located in the SE1/4 of the NE1/4 of Section 3, T 10 N, R 7 E, Town of Edgewood, Santa Fe County, New Mexico.

Brian DeWitt
Brian DeWitt

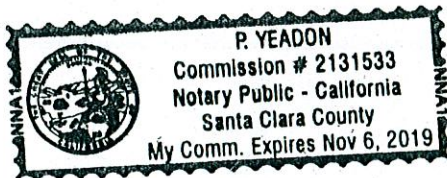
Colleen Martell
Colleen Martell

State of California
County of Santa Clara) .ss

This instrument was acknowledged before me on 11/10/2015 by
Brian DeWitt and Colleen Martell.

[Signature]
Notary Public

My Commission Expires: 11/06/2019



Authorization to Act as Agent

I, Cathy Majerus, surviving Trustee of the Paul M. and Colette W. Dugan Trust, hereby authorize Oden & Associates, Inc., it's principals and staff, to act on our behalf in any and all matters relating to the Subdivision of Mountain Meadows Unit 2, located in the SE1/4 of the NE1/4 of Section 3, T 10 N, R 7 E, Town of Edgewood, Santa Fe County, New Mexico.

Cathy Majerus, Trustee

Cathy Majerus, Surviving Trustee of the
Paul M. and Colette W Dugan Trust

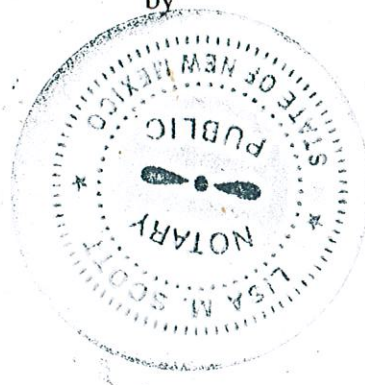
State of *New Mexico*

County of *Los Alamos*) .ss
)

This instrument was acknowledged before me on *November 17, 2015* by
Cathy Majerus.


[Signature]
Notary Public

My Commission Expires: *8/2/2014*



Authorization to Act as Agent

I, John Dugan, hereby authorize Oden & Associates, Inc., it's principals and staff, to act on my behalf in any and all matters relating to the Subdivision of Mountain Meadows Unit 2, located in the SE1/4 of the NE1/4 of Section 3, T 10 N, R 7 E, Town of Edgewood, Santa Fe County, New Mexico.



John Dugan

State of _____)
County of _____) ss

This instrument was acknowledged before me on _____ by
John Dugan.

Notary Public

My Commission Expires: _____

California All-Purpose Acknowledgement

"A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document."

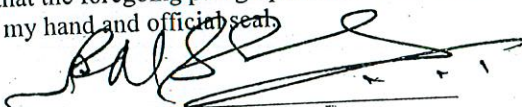
State of California }
County of Los Angeles } ss.

On this 5th day of November 2015,
before me, Ravinder Bhalla, Notary Public,
personally appeared, John Dugan

Who proved to me on the basis of satisfactory evidence to be the person⁽¹⁾ whose name⁽¹⁾ is/are subscribed to the within instrument, and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity⁽²⁾, and that by his/her/their signatures⁽³⁾ on the instrument the person⁽²⁾, or the entity upon behalf of which the person⁽²⁾ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
WITNESS my hand and official seal.

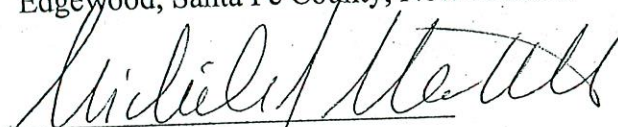




Signature of Notary Public

Authorization to Act as Agent

I, Michele Martell, hereby authorize Oden & Associates, Inc., it's principals and staff, to act on my behalf in any and all matters relating to the Subdivision of Mountain Meadows Unit 2, located in the SE1/4 of the NE1/4 of Section 3, T 10 N, R 7 E, Town of Edgewood, Santa Fe County, New Mexico.


Michele Martell

State of Texas)
County of Texas) .ss

This instrument was acknowledged before me on November 9, 2015 by
Michele Martell.


Notary Public

My Commission Expires: 12/08/2015



WARRANTY DEED

1278112

MAGUIRE FAMILY TRUST, Dated April 12, 1994, John M. Maguire, Trustee

for consideration paid, grant
to JOHN F. DUGAN and MICHELE MARTELL, a married couple and joint tenants, as to an undivided 1/2 interest, PAUL M. DUGAN and COLETTE W. DUGAN, a married couple and joint tenants, as to an undivided 1/4 interest, COLLEEN MARTELL, a single person, ~~as to an undivided 1/8 interest and BRIAN R. DEWITT, a single person,~~
as to an undivided 1/8 interest, or assigns

the following described real estate in SANTA FE County, New Mexico:

Tract C-Five-R-Three (C-5-R-3) as shown on plat of survey entitled "Land Division of the Lands of Maguire Family Trust being Tract C-3-R located in the NE 1/4 of Section 3, Township 10 North, Range 7 East, N.M.P.M., Santa Fe County, New Mexico", recorded in Plat Book 334, page 033, records of Santa Fe County, New Mexico.

SUBJECT TO: Restrictions, reservations and/or easements of record.

with warranty covenants.

Witness my hand and seal this 5th day of June, 1996
MAGUIRE FAMILY TRUST (Seal) (Seal)
John M. Maguire Trustee (Seal) (Seal)
BY: John M. Maguire, Trustee

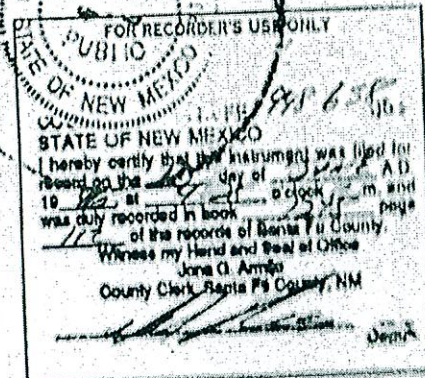
ACKNOWLEDGEMENT FOR NATURAL PERSONS

STATE OF NEW MEXICO)
) ss.

COUNTY OF SANTA FE)

This instrument was acknowledged before me on June 5, 1996
by John M. Maguire, Trustee of the Maguire Family Trust dated April 12, 1994

My commission expires: 10/1/98
(Seal 10717)



ACKNOWLEDGEMENT FOR CORPORATION

STATE OF NEW MEXICO)
) ss.

COUNTY OF _____)

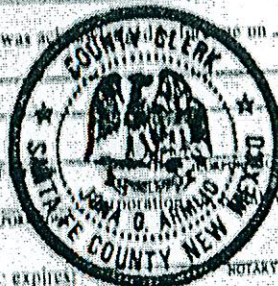
This instrument was acknowledged before me on _____, 19____

by _____

_____ of said corporation

My commission expires _____

(Seal) _____



QC Deed to Paul & Colette Dugan Trust
Recorded 4/26/2000 Book 1759 Page 65D

SUBJECT TO: Restrictions, reservations and/or easements of records.

Date: May 31, 2005

Colleen Martell
COLLEEN MARTELL

Brian R. DeWitt
BRIAN R. DeWITT

Grantor - Transferor(s)

State of California
County of Santa Clara

On 05-31-2005 before me, Michelle Alviar, Notary
personally appeared COLLEEN MARTELL and BRIAN R. DeWITT

☒ personally known to me -OR- ☐ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

Witness my hand and official seal.

Michelle Alviar
SIGNATURE OF NOTARY
MAIL TAX STATEMENTS AS DIRECTED ABOVE



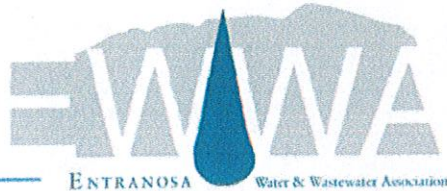
CAPACITY CLAIMED BY SIGNER

- ☒ INDIVIDUAL(S)
☐ CORPORATE OFFICER(S) _____ TITLE(S) _____
☐ PARTNER(S)
☐ ATTORNEY-IN-FACT
☐ TRUSTEE(S)
☐ SUBSCRIBING WITNESS
☐ GUARDIAN/CONSERVATOR
☐ OTHER: _____

SIGNER IS REPRESENTING:

NAME OF PERSON(S) OR ENTITY(IES)

SEC CLERK RECORDING 06/07/2005



1330 State Highway 333, Tijeras, NM 87059
Office – (505)-281-8700
Fax – (505) 281-0699

January 7, 2016

Developer: Dugan, Martel, et al
Address: 25104 Aliza Canyon Drive, Unit B, Calabasas, CA 91302

Re: Water Service for Mountain Meadow Subdivision, Unit Two in Edgewood, NM

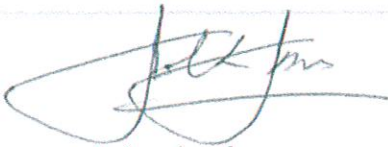
Pursuant to the email of your agent, Tim Oden, of December 31, 2015 requesting a commitment to provide a community water supply for the Mountain Meadow Subdivision (Unit Two), located in Section 3, Township 10 North, Range 7 East, NMPM, Santa Fe County, New Mexico, Entranosa is able to offer the following comments:

1. Entranosa Water & Wastewater Association holds valid water permits, all with a place-of-use for water covering the location of Mountain Meadow Subdivision, Unit Two.
2. Your proposed plat indicates the creation of four lots, which will require one and one-third acre feet of water rights ($1\frac{1}{3}$ acre-foot per lot) to serve. The cost of water rights will be satisfied by funding that is included within the cost of a membership. Each lot will require a membership prior to receiving service.
3. Entranosa holds permitted water rights in excess of 2900 acre-feet per year and currently has present and future commitments of up to 2000 acre-feet per year of consumptive use water rights.
4. Entranosa presently has 3236 active accounts, which utilized 907 acre feet of water in 2015.
5. System wide water production and usage during the past four years has been an average of 956 acre-feet per year.
6. Improvements requested of the applicant/property owner:
 - a. Line extensions are not necessary – water mains are in place. If the fire marshall requires an additional fire hydrant, to augment those already installed, there will be charge for that.
 - b. Additional storage capacity - none. A portion of the membership will fund additional storage if, and when needed.

- c. Providing additional water rights – none. A portion of the membership will fund the water rights necessary to support each lot (1/3 acre-foot per year per lot)
 - d. Other – perpetual access to utility infrastructure serving each lot – do NOT fence off access to the water meter.
7. Are there any outstanding issues pending before any other board, courts, or commission, e.g Public Regulation Commission or Office of the State Engineer that might affect the ability of Entranosa to serve the Mountain Meadow Subdivision, Unit Two? No.

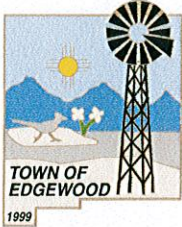
This commitment is valid for one year, and will expire on 31 January 2017. It may be renewed at that time, taking changes of circumstances into account. Should there be any questions or concerns on this matter, do not hesitate to contact me at the Entranosa office.

Sincerely,



John L. Jones
Chief Executive Officer





TOWN OF EDGEWOOD

Where the Mountains Meet the Plains

1911 Historic Route 66

P.O. Box 3610

Edgewood, NM 87015

Phone: (505) 286-4518 Fax (505) 286-4519

www.edgewood-nm.gov

January 26, 2016

Oden & Associates

Attn: Tim Oden, Agent

200 US Route 66

PO Box 1976

Moriarty, NM 87035-1976

Subject: Sewer Service for Mountain Meadows (Dugan) Sub-Division Request

Dear Mr Oden:

This letter is to inform you that Town of Edgewood Sewer Service is **not available** for the lots within the requested subdivision located at:

Mountain Meadows Subdivision Unit 2: Tract C-5-R-3, Lands of Maguire Family Trust, Located in the S1/2 of the NE1/4 of Section 3, T 10N, R 7E, NMPM, Town of Edgewood, Santa Fe County, New Mexico

Please feel free to call me at (505)-286-4518 with any questions you may have.

Sincerely,

Steve Shepherd, Town Administrator
Town of Edgewood

xc: File

Brad Hill
Mayor

John Abrams
Sherry Abraham
Chuck Ring
Rita Loy Simmons
Town Councilors

Wm. H. White
Municipal Judge

Stephen Shepherd
Administrator

Estefanie Muller, CMC
Clerk-Treasurer

33 34
4 3

MAPCO
SUBSTATION

ENTRANSA
WATER
CO. OF INC.

PINE CANYON ROAD

TRACT C-1-R

M + P

HORTON

MOUNTAIN MEADOWS

HIGH MEADOW LOOP

SUBDIVISION

HIGH MEADOW LOOP

C-4-R -1-E -1-D	C-4-R -1-C -1-A	C-5-R -1-E -1-D	C-5-R -1-C -1-B -1-A
C-4-R -2-E -2-D	C-4-R -2-G -2-A	C-5-R -2-D -2-C	C-5-R -2-B -2-A
C-4-R -3-E -3-D	C-4-R -3-B -3-A	C-5-R -3-D -3-C	C-5-R -3-B -3-A

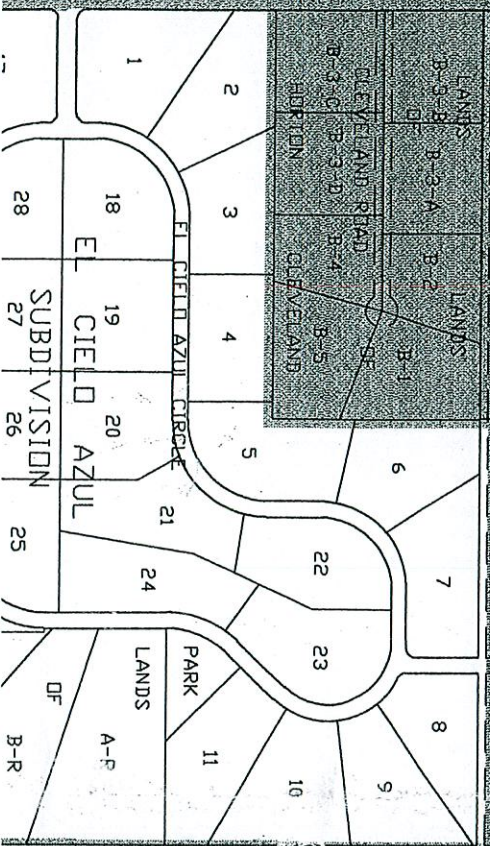
C-4-R -4-E -4-D	C-4-R -4-C -4-B -4-A	C-5-R -4-D -4-C -4-B -4-A	C-5-R -4-B -4-A
-----------------------	-------------------------------	---------------------------------------	-----------------------

LANDS

R-1

LANDS

A-G



EL CIELO AZUL
SUBDIVISION

34 35
5 2

**TOWN OF EDGEWOOD
PLANNING & ZONING COMMISSION
STAFF REPORT**

SUBJECT : 2016-MP 001
APPLICANT : Mr. Tim Oden, Hillcrest LLC

REQUESTED ACTION:

The applicant is seeking an Amendment to the Hillcrest Master Plan, Unit 2, to designate Mixed Use - (MU) zoning for approximately 45.14 acres.

APPLICATION EXHIBITS:

- A) Staff Report
- B) Application for Amendment to Master Plan
- C) Request Letter from Applicant
- D) Plat of Hillcrest Master Plan
- E) Warranty Deed
- F) Conceptual Site Plan of Unit 2, Periwinkle Ridge
- G) Composite Map of Hillcrest Master Plan
- H) Previous Site Plan of Hillcrest MP
- I) Hillcrest MP Average Residential Density Analysis 2010
- J) Stipulated Agreement from 01/29/04
- K) Letter from Marcus Rael dated 07/28/11
- L) Zone Map

APPLICABLE REGULATIONS:

Zoning Ordinance 2014-02, as amended 08/05/15
Subdivision Ordinance 2014-03, as amended 02/04/15
Comprehensive Plan 02/06/08

LOCATION:

The subject property is located between East Hill Ranch Road and East Venus Road, within Hillcrest Master Plan, Unit 2, Being a Portion of Tract A of Highland Stock Farm LLC, Section 10, T 10N, R 7E N.M.P.M, Town of Edgewood, Santa Fe County, New Mexico.

NOTIFICATION:

Notification of the Public Hearing was published in the Independent on January 13, 2016 and posted at six (6) town posting locations in Edgewood. Signs were posted at two locations along East Venus Road and letters to property owners within 500 feet were mailed on January 15, 2016.

BACKGROUND:

The Hillcrest Master Plan was initially approved by the town in 2003. An appeal was filed, which eventually resulted in a Stipulated Agreement that approved the Master Plan as requested, with the condition that a proposed RV park be deleted from the plan. The area (Unit 2) where the RV Park was proposed was left with zoning undetermined. The current request is to approve zoning for that specific area. Unit 2, named Periwinkle Ridge, consists of 45.14 acres on which the applicant is proposing to build 140 townhouses/apartment units with 13 acres of open space and 0.6 miles of landscaped pedestrian trails. The overall density will result in approximately 3.10 dwelling units per acre within the unit.

The request for Mixed Use zoning would meet the district standards regarding open space and density requirements.

PROJECT DESCRIPTION:

The Hillcrest Master Plan surrounds the property. Unit 7 to the west, Unit 8 to the northwest, Unit 11-A and Unit 3 to the northeast and Unit A-1 to the east are approved for single family residences with lots ranging in size from ½ acre to 7 acres. Unit 1 and 6 are located to the south of Venus Road. Unit 1 is also approved for single family homes. Unit 6 is designated as Commercial.

East Venus Road is the primary access for Periwinkle Ridge. It is paved and publicly maintained. The conceptual roads will be built when the site is developed.

Water service for domestic purposes and fire protection will be provided by EPCOR Water as part of Line Extension Agreements with Hillcrest, LLC.

The applicant has stated that an onsite wastewater treatment package will be provided as part of the infrastructure development for this project. EPCOR Water will own and operate this facility.

STAFF ANALYSIS:

- 1) Staff performed a review of the application, submitted materials and applicable ordinances.

2) It is the Staff's opinion that the request:

- A) Is suitable for this site without disturbing existing neighborhoods or adversely affecting the other proposed uses in the Hillcrest Master Plan area.
- B) Exceeds the District Standards of Open Space (28.80%) and Density (3.10 DU/Acre).
- C) Satisfies the seven (7) criteria of Section 24, Master Plan Zone, A. Purpose of the Zoning Ordinance 2014-02, as amended August 5, 2015.
 - 1) Is beneficial to the public health, safety or general welfare of the Town of Edgewood.
 - 2) Streets are well defined for adequate circulation of traffic.
 - 3) Plan will enhance the appearance of the neighborhood and conserve open space and areas of natural beauty.
 - 4) Buffers between land uses have been created by open space, parks and landscaping.
 - 5) Mixed Use zoning at Periwinkle Ridge would be contiguous with the surrounding other types of residential zoning and open space. It will not increase the overall density of the Master Plan.
 - 6) Complies with the Comprehensive Plan in purpose and intent with regards to Open space with parks and pedestrian trails that allow for the open rural atmosphere. The proximity of the Master Plan is close to the future Town Commons and will provide a good transition from the business areas of Section 16 to the Residential and rural areas beyond the Master Plan area.
 - 7) Provisions have been made for sufficient water to provide adequate fire protection. All of the development will be served by EPCOR water and an onsite wastewater treatment plant.

STAFF RECOMMENDATION

It is the opinion of staff that the Planning & Zoning Commission recommend approval of the zone designation of Mixed Use-MU for Unit 2, Periwinkle Ridge of Hillcrest Master Plan to the Town Council.

Future Development of Unit 2 is required to meet the provisions of the following Town of Edgewood Ordinances:

- Fire and Rescue Impact Fees 2004-09
- Grading & Drainage 2001-01 as amended 11/04/10
- Landscaping Ordinance 200-25
- Sign Ordinance 2009-02
- Subdivision Ordinance 2014-03, as amended 02/04/15
- Uniform Fire Code 1999-T
- Zoning Ordinance 2014-02, as amended 08/05/15

Town of Edgewood
APPLICATION FOR ZONE CHANGE

SHADED AREA FOR STAFF USE ONLY

RECEIVED BY: _____ DATE RECEIVED: _____ CASE NO. _____
APPROVED BY: _____ APPROVED DATE: _____ ZONING: _____

NAME OF APPLICANT: Hillcrest, LLC

APPLICANT ADDRESS: PO Box 1976 Merriam KS 66203
Street City State Zip

APPLICANT PHONE: HOME: _____ BUSINESS: 505-872-1424
FAX: _____ FAX: _____

ADDRESS OF PROPERTY FOR WHICH REZONING IS REQUESTED:

EAST VENUS ROAD

PRESENT ZONING OF PROPERTY: MP REQUESTED ZONING OF PROPERTY: MM USES

OWNER OF ABOVE DESCRIBED PROPERTY:

Hillcrest, LLC

OWNER ADDRESS: PO Box 1976 Merriam KS 66203
Street City State Zip

OWNER PHONE: HOME: _____ BUSINESS: 505-872-1424
FAX: _____ FAX: _____

PRESENT USE OF PROPERTY: VACANT

FEE: waived/Part of Previous Application

NOTICE AND DISCLAIMER

Any person or business entity which submits an application to the Planning Commission for a zone change is hereby informed that the decision as to whether the application will be granted can only be made by the City Council.

The staff acts in an advisory position only and will provide you with the recommendations, whether positive or negative, that will be forwarded to the Planning Commission and City Council.

If you take any action, make any financial commitments or expenditures based on staff, Planning Commission, or Town Council member statements before final action is taken on your application, you are doing so at your own risk.

The Town of Edgewood, its elected and appointed officials, agents, attorneys, and employees, will not in any way be responsible or liable for any losses of any kind whatsoever by you in the event that your application is not granted.

Your signature(s) on this document verifies (verify) that you have read and completely understand this document.

Applicant: [Signature] Date: 11/17/15
(Signature)

Type or Print Applicant Name: Tim Chen, Manager

Owner: Hillcrest, LLC Date: _____
(Signature)

Type or Print Owner Name: _____

CASE NO.: 2016-MP 001



All trails lead home

Town of Edgewood
Ms. Bonnie Peete
Planning & Development Manager
P.O. Box 3610
Edgewood, New Mexico 87015

**RE: Request for Approval of Uses for Hillcrest Master
Plan Unit 2, T.10N, R.7E., Section 10, N.M.P.M.,
Town of Edgewood, Santa Fe County, NM**

Dear Ms. Peete,

Please accept the following supplemental documents to accompany the Application for Zone Change for approved uses on Hillcrest Master Plan, Unit 2:

1. Application for Zone Change to allow MU Uses on Unit 2;
2. Site Plan report describing the nature of the request;
3. Copy of deed vesting title in Hillcrest, LLC;
4. Copy of Hillcrest Master Plan Bulk Land Plat (Tract A) recorded 3/2/2010;
5. Composite Map of the Hillcrest Master Plan;
6. Conceptual Site Plan of Periwinkle Ridge (Unit 2);
7. Hillcrest 2010 Density Analysis.

Please advise me as to the schedule for which this application will be considered. If you have any comments or questions, please feel free to call on me at your convenience.

Very truly yours,

Tim Oden,
Manager,
Hillcrest, LLC

☐ P.O. Box 1976 ☐ 200 US Route 66 ☐ Moriarty, NM 87035
☐ Phone (505) 832-1425 ☐ Fax (505) 832-6996



**Request for Approval of Uses
for
Hillcrest Master Plan, Unit 2**

General Comments:

The information and statements contained in this report are submitted with a request to identify allowable uses in the Hillcrest Master Plan, Unit 2. Unit 2 contains approximately 45.14 acres and is located on the north side of Venus Road, approximately ¼ mile east of State Hwy 344.

A composite Map of the Hillcrest Master Plan shows the planned uses for Hillcrest and the proposed uses for Unit 2. For marketing purposes, each of the Units in Hillcrest have names in addition to Unit numbers. Unit 2 is called Periwinkle Ridge at Hillcrest. A conceptual site plan for Periwinkle Ridge is included in the submittals. It shows a proposed use of 140 Apartment or Townhouse units, 0.6 miles of landscaped pedestrian trails, and 13 acres of Open Space with outdoor recreational areas, for an overall density of 5 DU's/Acre.

Current Zoning:

The subject property is currently zoned MP. The *Hillcrest Master Plan* surrounds the property with Unit 7 to the west, Unit 8 to the northwest, Unit 11-A and Unit 3 to the northeast and Unit 1-A to the east. All of these Units are approved for single family residential uses. Units 1 and 6 lie to the south across E. Venus Road. Unit 6 is approved for Commercial uses. Unit 1 is also approved for residential use. Originally, the Master Plan proposed an RV Park for Unit 2. The Master Plan was approved in 2003 with the condition that the RV Park be deleted from the plan.

Zone Change Request:

On behalf of Hillcrest, LLC, request is hereby made to approve the proposed use for 140 Apartment/Townhouse units on this 45.14 acres. This use is comparable to the MU - Mixed Use Zone identified in Section 20 of the Current Zoning Ordinance. The conceptual development plan complies with the requirements of the MU Zone district standards and is compatible with the Hillcrest Master Plan regarding open space requirements and density.

☐ P.O. Box 1976 ☐ 200 US Route 66 ☐ Moriarty, NM 87035
☐ Phone (505) 832-1425 ☐ Fax (505) 832-6996

Suitability for MU Zoning

The proposed zoning is suitable for this site without disruption to the existing neighborhoods. It is completely compatible with adjoining land uses and contains adequate infrastructure to support the planned use.

Water

Hillcrest, LLC has adequate water available for this project under State Engineer Permit E-761. Epcor Water will provide domestic water service and fire protection as part of the Line Extension Agreements with Hillcrest, LLC.

Sewer

An on-site wastewater treatment package plant will be provided upon infrastructure development of this site. The wastewater plant will provide wastewater treatment and the treated effluent will be applied onsite on the landscaped areas and open space shown on the conceptual site plan. Epcor Water will own and operate the wastewater facilities.

Access

East Venus Road is the primary access to the proposed uses in Periwinkle Ridge. East Venus Road is a paved, publicly maintained road providing all weather access to the site. The collector roads shown on the conceptual plans will be constructed and paved to Town specifications upon site development. It is anticipated that the Town will accept maintenance of the collector roads upon full development buildout.

Master Planned Area

This tract is surrounded by lands currently zoned "MP." The Hillcrest Master Plan consists of single-family lots ranging in size from ½ acre to 7 acres. The Master Plan contains 74.93 acres designated for future commercial at the SE corner of NM 344 and E.Venus Road. Allowing MU uses on this tract will fit in with the overall intent of the Master Plan, is well positioned, and completely in character with the adjoining future planned neighborhood.



Return To: PT0000359470V
FIDELITY NATIONAL TITLE INSURANCE CO.

WARRANTY DEED

Highland Stock Farm, LLC, a New Mexico Limited Liability Company,

For consideration paid, grants to

Hillcrest, LLC, a New Mexico Limited Liability Company,

Whose address is:

P.O. Box 1976
Moriarty, NM 87035

the following described real estate in Santa Fe County, New Mexico:

(SEE ATTACHED "EXHIBIT A")

Witness our hands and seals this 2 day of Dec, 2009.

Terry Myers Hill
Highland Stock Farm, LLC
A New Mexico Limited Liability Company
By Terry Myers Hill, Manager

Raymond Max Hill
Highland Stock Farm, LLC
A New Mexico Limited Liability Company
By Raymond Max Hill, Manager

ACKNOWLEDGEMENT FOR NATURAL PERSONS

State of New Mexico _____)
County of Bernalillo) ss

This instrument was acknowledged before me on December 2nd 2009 by Terry Myers Hill as a Manager of Highland Stock Farm, LLC, a New Mexico Limited Partnership.



OFFICIAL SEAL
CANDY VILLANE
NOTARY PUBLIC - STATE OF NEW MEXICO
My Commission Expires 9/13/2011

Valerie Espinoza
Notary Public

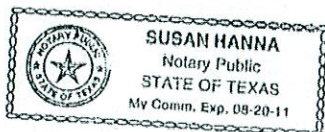
My Commission Expires: _____
COUNTY OF SANTA FE)
STATE OF NEW MEXICO) ss
WARRANTY DEED
PAGES: 2

I Hereby Certify That This Instrument Was Filed for Record On The 7TH Day Of December, 2009 at 11:38:51 AM and Was Duly Recorded as Instrument # 1585163 Of The Records Of Santa Fe County

Valerie Espinoza Witness My Hand And Seal Of Office
Deputy County Clerk, Santa Fe, NM

State of Texas _____)
County of TOM GREEN) ss

This instrument was acknowledged before me on November 23, 2009 by Raymond Max Hill as a Manager of Highland Stock Farm, LLC, a New Mexico Limited Partnership.

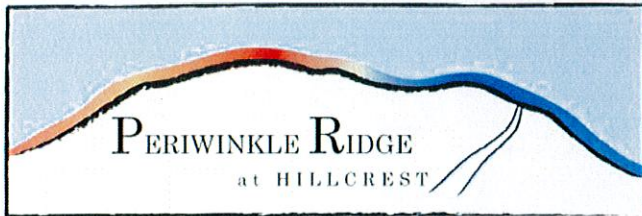


SUSAN HANNA
Notary Public
STATE OF TEXAS
My Comm. Exp. 08-20-11

Susan Hanna
Notary Public

My Commission Expires: 08/20/11





All trails lead home

LEGEND

-  Road
-  Pedestrian Trail
-  Equestrian Trail
-  Park/ Open Space



Perwinkle Ridge Features:

140 Townhouse & Apartment Units

0.6 miles of Landscaped Pedestrian Trails





13 acres of Open Space with outdoor recreation areas

EAST HILL RANCH ROAD

UNIT B



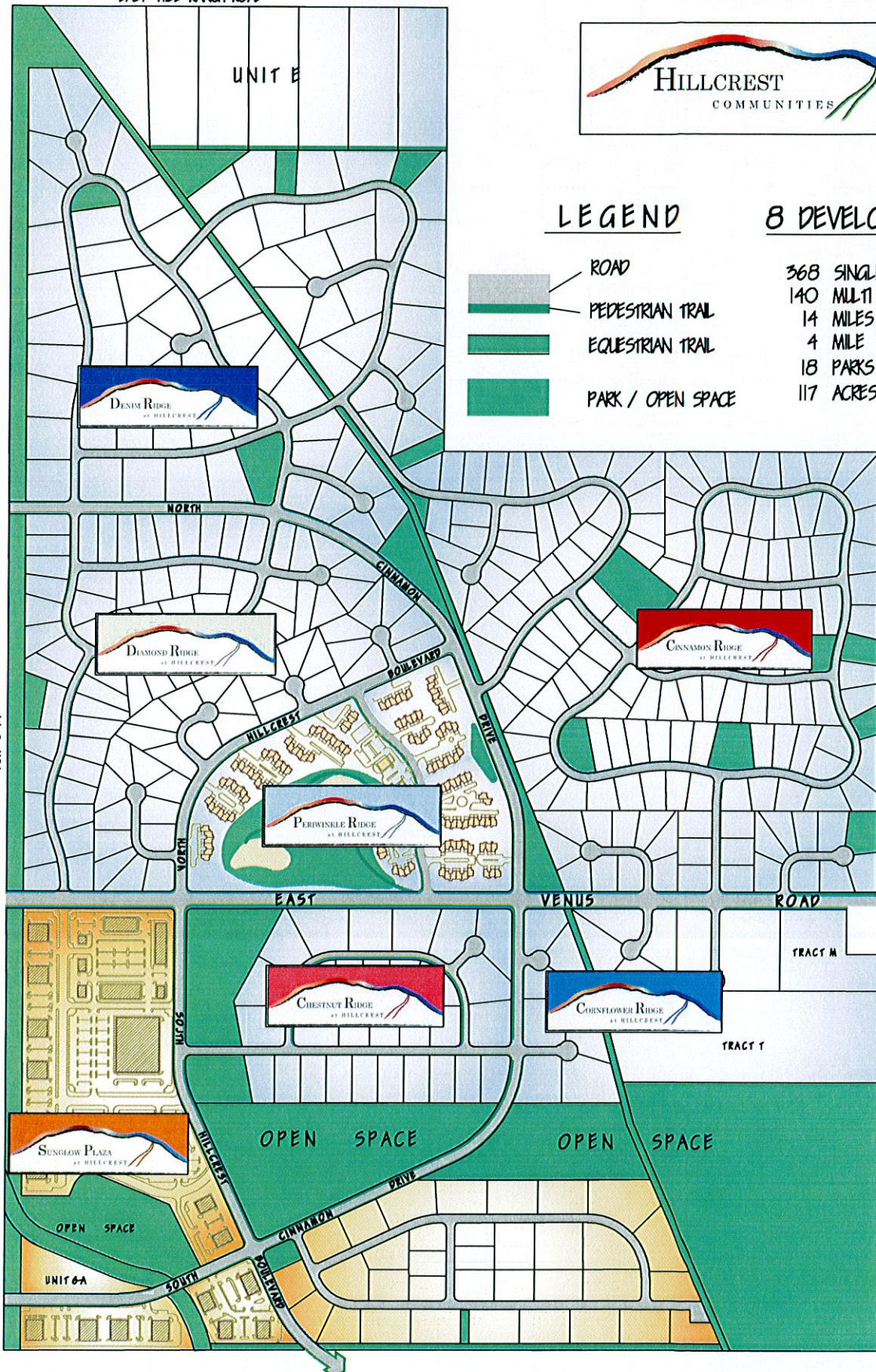
LEGEND

-  ROAD
-  PEDESTRIAN TRAIL
-  EQUESTRIAN TRAIL
-  PARK / OPEN SPACE

8 DEVELOPMENT PHASES

- 368 SINGLE FAMILY LOTS
- 140 MULTI FAMILY LOTS
- 14 MILES PEDESTRIAN TRAILS
- 4 MILE EQUESTRIAN LOOP
- 18 PARKS
- 117 ACRES OPEN SPACE

NM 344



CITY CLERK, TOWN OF EDGEWOOD DATE

TOWN OF EDGEWOOD		NEW BEDFORD	
HILLCREST - AUGUST, 2003			
CONCEPTUAL MASTER PLAN			
Oden - Miller		Associates PLANNING, ARCHITECT & ENGINEERS	
Designed by	Drawn by	Checked by	Sheet
SEA 1	SEA 1	SEA 1	1 of 1

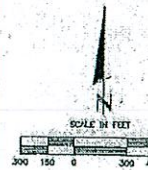
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GOLF COURSE
155.3 ACRES

UNIT 12-B
25.9 ACRES

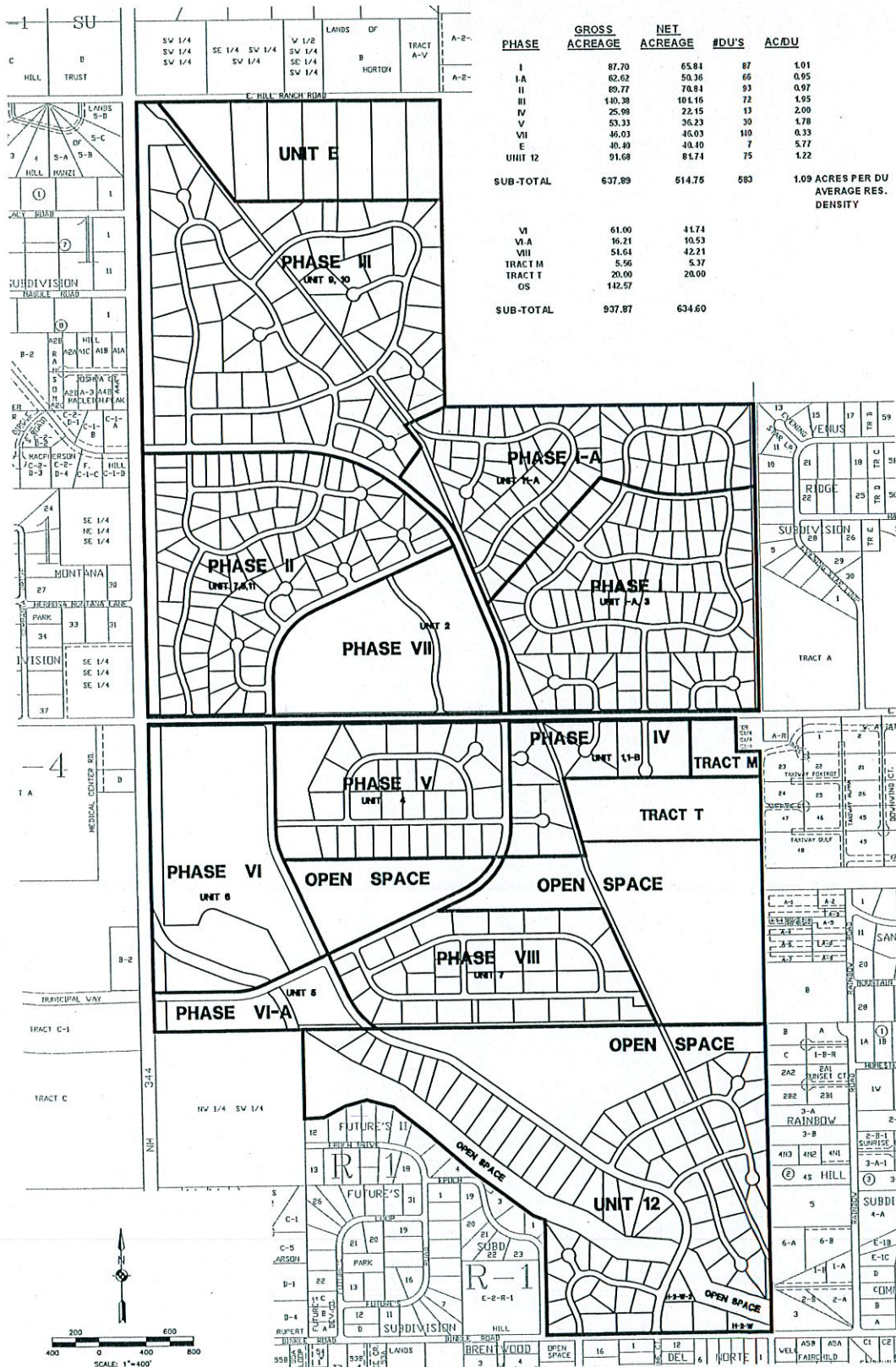
UNIT 12-A
42.5 ACRES

UNIT 12-C

UNIT 12-D
5440550

HILLCREST MASTER PLAN 2010

AVERAGE RESIDENTIAL DENSITY ANALYSIS



PHASE	GROSS ACREAGE	NET ACREAGE	#DU'S	AC/DU
I	87.70	65.81	87	1.01
IA	62.62	50.36	66	0.95
II	89.77	70.81	93	0.97
III	110.38	101.16	72	1.45
IV	25.99	22.15	13	2.00
V	53.33	36.23	30	1.78
VII	46.03	45.03	110	0.33
E	40.40	40.40	7	5.77
UNIT 12	91.68	81.74	75	1.22
SUB-TOTAL	637.89	514.75	583	1.09 ACRES PER DU AVERAGE RES. DENSITY
VI	61.00	41.74		
VI-A	16.21	10.53		
VIII	51.64	42.21		
TRACT M	5.56	5.37		
TRACT T	20.00	20.00		
OS	112.57			
SUB-TOTAL	937.87	634.60		

COPY
FIRST JUDICIAL DISTRICT COURT
COUNTY OF SANTA FE
STATE OF NEW MEXICO

HIGHLAND STOCK FARM, LLC
d/b/a HILLCREST,

Appellant,

v.

TOWN COUNCIL OF
TOWN OF EDGEWOOD,

Appellee.

ENDORSED
First Judicial District Court

JAN 29 2004

Santa Fe, P.O. Box 484 &
Los Alamos, New Mexico
87501-0484
Santa Fe, NM 87501-0484

No.: D-101-CV-200302241

STIPULATED SETTLEMENT ORDER

THIS MATTER, having come before the Court on the stipulation of the parties, Highland Stock Farm, LLC, Appellant, by and through its attorneys, Vogel Campbell & Blucher, P.C. (David S. Campbell, Esq.) and the Town Council of the Town of Edgewood, Appellee, by and through its attorneys, Downing & Henderson, P.C. (David Henderson, Esq.), and the Court, being advised in the premises, FINDS AS FOLLOWS:

1. The Town of Edgewood Planning & Zoning Commission unanimously approved the Hillcrest Master Plan on July 7, 2003, with a recommendation of approval to the Edgewood Town Council subject to certain conditions.
2. On August 6, 2003 at its regular meeting, the Edgewood Town Council approved the Hillcrest Master Plan with two conditions: a) that the proposed RV Park be deleted from the initial Hillcrest Master Plan; and b) when the Town of Edgewood's Wastewater Plant had gray water effluent available for sale, the developers of the proposed golf course development at Hillcrest would enter into a purchase agreement with the Town of Edgewood to purchase such effluent for use on the golf course.

3. Following the August 6, 2003 approval by the Town of Edgewood, Appellant and Appellee had disagreements as to the validity of the Town of Edgewood's August 6 Master Plan approval.
4. The parties have engaged in good faith negotiations concerning resolution of the disputes, and this Stipulated Order sets out the agreement of the parties and the Court's Order as to the resolution of these disputed matters.
5. The approval granted August 6, 2003 of the Hillcrest Master Plan by the Town Council, including the two conditions set forth is a valid approval of the Town of Edgewood and should be confirmed by this Order.
6. The Notice of Appeal filed in this matter will be withdrawn by the Appellant.
7. Each party should bear its own costs and attorneys fees in this matter.

NOW, THEREFORE, BE IT ORDERED, ADJUDGED AND DECREED as follows:

8. The Hillcrest Master Plan zoning request, as considered by the Edgewood Town Council on August 6, 2003 is approved contingent upon: a) the land developers purchasing effluent from the Town's Wastewater Plant, when available, for the proposed golf course development; and b) the removal of the RV Park from the plan.
9. Each party shall bear its own costs and attorney fees in this matter.

IT IS SO ORDERED.

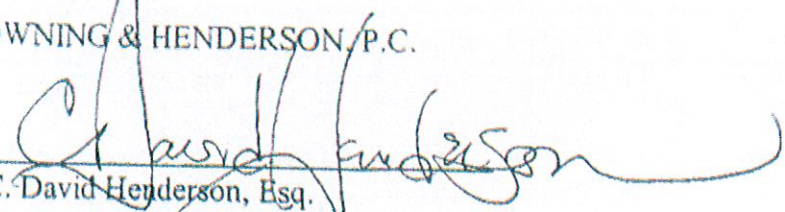
JAMES A. HALL

THE HONORABLE JAMES A. HALL
DISTRICT COURT JUDGE

APPROVED

DOWNING & HENDERSON, P.C.

By


C. David Henderson, Esq.

Town Attorney, Town of Edgewood

2074 Galisteo St., Suite B-5

Santa Fe, NM 87505

(505) 988-1848

VOGEL CAMPBELL & BLUEHER, P.C.

By


David S. Campbell, Esq.

Attorneys for Appellant

6100 Uptown Blvd., N.E., Suite 500

Albuquerque, New Mexico 87110

(505) 884-8444



Memorandum

To: Karen Mahalick, Town Administrator

From: Marcus J. Rael, Jr., Town Attorney

Date: July 28, 2011

Re: Hillcrest Subdivision

After discussing this issue further with the Town's former attorney, Mr. Henderson, it is this firm's position that neither the 1999 ordinance nor the 2003 amendment apply facially in this matter. It has come to my attention that the Town of Edgewood is party to a Settlement Agreement disposing of the matter at issue. In that Settlement Agreement, the Hillcrest Master Plan is identified as the authoritative guide governing the Hillcrest Subdivision. The Town is bound by the terms of the Settlement Agreement, including the decision to adopt the Master Plan as the authoritative guide rather than requiring Hillcrest to comply with either the 1999 ordinance or the 2003 amendment.

However, in the event that a matter arises which is not specifically addressed by the Master Plan, the most current version of the Town's ordinance will apply. The Settlement Agreement and the Master Plan are applicable only to those issues actually addressed therein. Any matters beyond the scope of the Master Plan are subject to the Town's current ordinance, including any amendments thereto. Furthermore, should any matters arise which require a change to the existing Master Plan, all such requests and changes would be subject to the Town's ordinance in effect at that time. However, it should be noted this only applies to changes not addressed under the existing Master Plan. To the extent that the Master Plan is able to govern matters in the Hillcrest subdivision, the Master Plan will still apply.

I apologize that this memo differs from the prior memo. At the time that I drafted the prior memo, I only had the Town's file to go by and did not have the benefit of Mr. Henderson's recollection of the Settlement Agreement. The Settlement Order was not specific.

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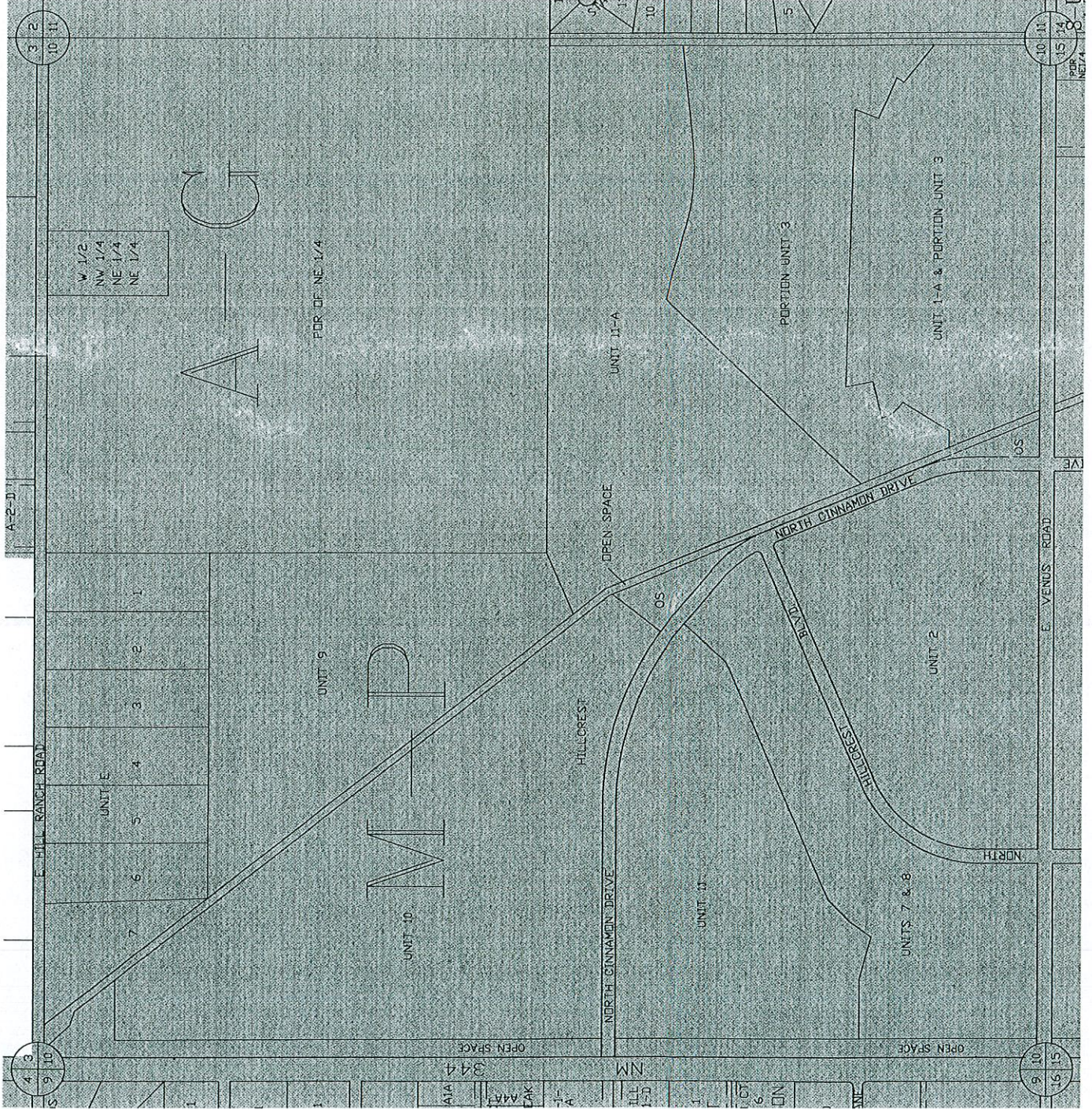
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750' 375' 0' 750'

LEGAL DESCRIPTION
T 10 N
R 7 E
SEC 10

UNIFORM PROPERTY CODE
1040059

MAP AMENDED THROUGH
JANUARY 1, 2013

H 40



Town of Edgewood
Planning & Zoning Administrative Fee Schedule

Zoning and Various Fees

Annexation	\$100.00
Appeals	\$100.00 Per Appealed Item/Per Decision
Conditional Use Permit	\$50.00
Development Review	\$50.00
Driveway Access Permit	\$35.00 Per Entrance or Driveway
Lot Line Adjustment/Vacation	\$50.00
Sign Permit	\$35.00 Per Sign
Variance	\$50.00 Per Each Variance Item Requested
Zone Change	\$50.00 Per Parcel or Lot

Sub-Division Fees

Minor Sub-Division	\$50.00 Per Lot
Major Sub-Division Preliminary Plat	\$50.00 Per Lot
Major Sub-Division Final Plat	\$250.00 + \$10.00 Per Lot
Master Plan: Initial Master Plan	\$300.00
Master Plan: Amendment	\$100.00
Master Plan: Zoning Change/Assignment	\$100.00

Grading & Drainage Fees

0-5 Acres	\$131.00
6-10 Acres	\$315.00
11-20 Acres	\$367.00
21-30 Acres	\$420.00
31-40 Acres	\$472.00
41-50 Acres	\$525.00
51 + Acres	\$577.00

ADOPTED: 01/21/16